



**Invitation To Comment:**

**Draft Recommendations of the  
California Blue Ribbon Commission on Children in Foster Care**

**March 2008**

**The Role of the Courts  
in Improving the Lives of Children and Families**

*“When I was 12 years old—in a court hearing I was not invited to, and that I did not even know about—a decision was made that I was not appropriate for a foster family, but needed to be in group homes. That decision was made in only a few minutes, with most of the people in the room having never met me, not knowing my hopes and dreams, only knowing one or two of the facts that represented 1 percent of the 100 percent child I was.”*

—Jennifer Rodriquez, staff attorney, Youth Law Center,  
former commissioner, Blue Ribbon Commission

**Introduction**

The courts are often the unseen partners in child welfare, but every child and parent in the foster-care system knows it is the courts where critical decisions are made, including such life-changing questions as where and with whom a child will live. When dependency court judges and attorneys are not acquainted with “100 percent” of the child, when there is inadequate time or not enough information to make informed decisions, hearings are likely to be rushed or delayed. Children and families suffer.

The courts and its child welfare partners share responsibility for the safety and well-being of children while they are in foster care, in effect, serving as their “parent.” Dependency court judges and attorneys work hard to make the best decision for each child and family. They share a belief with child welfare that *all* children are entitled to a safe, permanent family that will love, nurture, protect, and guide them. The court and its partners agree that even when children must be removed from their homes, foster care should be a short-term refuge, not a long-term saga. Timely reunification with their family or placement in another permanent home is *always* the goal.

Yet there are nearly 80,000 children in foster care in California, more than any other state in the nation. Fewer than 150 full-time and part-time judicial officers preside over the

entire dependency court system. Half of the children have been in care for more than two years; 17 percent of them for more than three years.

Time moves slowly through the eyes of children, especially those who have been removed from their homes, through no fault of their own, and placed into the mysterious world of dependency courts. Finding a permanent home for a child sometimes takes years. Youth who grow up in foster care too often “age out” of the system ill-prepared to live as adults. These young people face increased risk of dropping out of school, unemployment, homelessness, mental illness, and involvement with the criminal justice system.

Full-time judicial officials in California carry an average of 1,000 cases, which has a direct impact on the level of time and attention any one case receives. Attorneys who represent children and families in dependency court carry an average caseload of 273 clients per attorney; and in a few counties, attorney caseloads rise to 500 to 600 or more. This far exceeds the state’s recommended standard of 188 (for attorneys who have appropriate support staff).

Overwhelming caseloads in the courts are only one reason why even the best of judges and attorneys struggle to address the whole of each child and family who come before their bench. The judicial system is burdened by crowded dockets and inadequate information. The courts do not work in isolation, but communication between dependency courts and the other agencies charged with helping families is inconsistent and often ineffective. In short, the dependency court system, like its child welfare partners, is overstressed and underresourced.

### **About the California Blue Ribbon Commission**

Recognizing the need to better serve children and their families, California Chief Justice Ronald M. George, Chair of the Judicial Council, appointed a high-level, statewide panel, chaired by Supreme Court Associate Justice Carlos R. Moreno, in March 2006 and charged it with making concrete and practical recommendations for reform. The California Blue Ribbon Commission on Children in Foster Care has a mandate to formulate politically viable and fiscally responsible proposals to achieve outcomes related to safety, permanency, well-being, and fairness for children and families.

This statewide commission is California’s first to focus on the courts’ role in child welfare. The commission is a multidisciplinary group of leaders who know the system well. They are judges and attorneys, legislators and child welfare directors, foster youth and child advocates, community leaders and academics, tribal leaders and philanthropists. These members’ wide perspectives added value to the commission’s deliberations, which focused on improved court performance, better collaboration among agencies that work with children and families, and the need for adequate and flexible funding.

For two years, the commission has met quarterly in plenary sessions and subcommittee meetings. Commissioners held public hearings and focus groups and countless conference calls. They reached out to those who have experienced the best of the system — and the worst. They heard testimony from dependency court judges and attorneys, social workers, foster youth, parents, caregivers, child advocates, statisticians, probation officers and tribal leaders. In one of their first activities, commissioners developed a set

of draft court performance measures to track safety, permanency, child well-being, timeliness of court hearings, and due process. Notably, these court performance measures, mandated by statute, align with federal and state child welfare measures, an important step to ensure that all parties are working together toward the same improved outcomes for foster children.

### **An Invitation to Comment**

Over the past two years, commissioners have deliberated and developed a set of draft recommendations, which will be released for public comment in March 2008. The Blue Ribbon Commission will invite the public and interested stakeholders to join in the dialogue for change. The commission will take the feedback from the public comment period and present final recommendations to the Judicial Council in August 2008. The final report will include an implementation plan with specific milestones to measure progress. The commission's life extends until June 2009 so that commissioners can participate in the early implementation stages of the reforms.

The public comment period will begin on March 14, 2008 and run until May 13. The easiest access is through an online comment form on the commission's Web site, [www.courtinfo.ca.gov/blueribbon](http://www.courtinfo.ca.gov/blueribbon). Comments also will be received by e-mail at [cbrc@jud.ca.gov](mailto:cbrc@jud.ca.gov) or by mail addressed to Megan Lafrenz, Center for Families, Children & the Courts, Judicial Council of California, Administrative Office of the Courts, 455 Golden Gate Avenue, San Francisco, California 94102-3688, or by facsimile to Megan Lafrenz at 415-865-7217.

### **Guiding Principles of the Blue Ribbon Commission**

From the beginning, the commission's work has been guided by a set of principles that serve as the foundation for its draft recommendations and that have kept the focus on the needs of children who have been abused or neglected. The commission's principles are as follows:

- All children are equal and deserve safe and permanent homes.
- Efforts to improve the foster-care system should focus on safety, permanency, well-being, and fairness outcomes for children.
- Services to children and families should be integrated and comprehensive.
- Courts play an important and statutorily mandated role in overseeing children, families, and services in the dependency system.
- Court decisions must be timely in order to ensure quick reunification when possible and to assist children with the services they need to achieve permanency and transition into adulthood.
- The courts must act with partner agencies in supporting children and families. Collaboration, shared responsibility, and accountability are essential for achieving the best possible outcomes for children and families.
- Government agencies need adequate and flexible resources to provide the best outcomes for children in the foster-care system.

## Draft Recommendations of the California Blue Ribbon Commission on Children in Foster Care

All children in California deserve a safe, nurturing, and permanent family where they can grow up and learn to become productive adults. The commission offers these draft recommendations as a plan for achieving this goal.

In developing its recommendations, the commission builds on the momentum for child welfare reform that is already changing how the courts, the state, and counties serve children and families in California. The judicial branch is joining the executive and legislative branches in calling for more accountability. By proposing these draft recommendations, the commission recognizes the courts' leadership role in building a better system for children and families. Budget restraints may affect the timing, but these recommendations represent the priorities—both long-term and short-term—that must be followed to ensure a better future for the state's most vulnerable children and families.

The commissioners believe their draft recommendations are practical, viable, and necessary, but they are cognizant of the current fiscal realities in the state. Many of their recommendations call for using existing resources differently, implementing policies that are already in place, or phasing in proposals over time in order to reduce reliance on new funds. Some recommendations have little fiscal impact, focusing on structural issues within the courts. Other proposals call on Congress to give states more flexibility in how they use federal child welfare funds. And finally, if the changes recommended are implemented successfully, there will likely be fewer children in foster care or in other more costly out-of-home placements. Money saved can be reinvested elsewhere. However, even with using current funds more effectively and efficiently and reinvesting money that will be saved as a result of the commission's proposed reforms, additional resources will still be required.

Referring to the draft recommendations, Justice Carlos R. Moreno, chair of the commission, said, "The commission kept the focus on children as we listened, learned, and discussed the needs of the children and families in our care. We drafted a set of comprehensive and strategic recommendations that we believe will improve the judicial system and how we work with our partners. We know these proposals will only come to fruition—and make a difference in the lives of children and families—when they are vetted by those who know the system best. Now it is time for us to listen again. We are looking forward to the response from stakeholders across the state over the next two months."

### **Four main areas of focus**

The draft recommendations point to what the courts, child welfare agencies, and other partners can do to help children grow up in safe, nurturing, and permanent homes. The recommendations cover four key areas:

1. Reasonable efforts to prevent removal and achieve permanency;
2. Court reforms;
3. Collaboration between courts and partnering agencies; and
4. Resources and funding.

Each of the above categories is intertwined, because there are multiple players in the lives of children and families in the child welfare system. This is a challenge when it comes to implementation, but it also brings partners to the table to share resources and work.

This report organizes the draft recommendations as follows: A summary of the issues in each area, including a list of the main recommendations that articulate the commission's hopes for progress, and the detailed proposals that follow from these recommendations.

## **Identified Issues and Summary of Main Recommendation 1**

### **Reasonable Efforts to Prevent Removal and Achieve Permanency**

The courts and child welfare share a fundamental belief that all children deserve a safe, stable family in which to grow up and thrive. Interrupting a child's bond to a parent, even when necessary and temporary, is a destabilizing event in any child's life. Child welfare agencies aspire to offer more services to prevent placement in foster care. Yet funds to support preventive services are not a priority. A recent national study sponsored by the nonprofit organization Kids Are Waiting found that states are allowed to use only 10 percent of federal child welfare funding for prevention or reunification services. It is no wonder then that dependency court officials are often engaged in building support for child welfare services in their communities and advocating for a higher priority for funding for preventive services among agencies that work with vulnerable children and families.

Every one of the nearly 80,000 children in foster care in California has a hearing before a dependency court. Yet placement does not necessarily ensure improved outcomes for them or for their families, even when removal is required. Far too many of these foster children experience multiple placements; changes in schools; and separation from siblings, friends, and other family members.

African-Americans and Native Americans are disproportionately in the system. They are more likely than other children to be reported for abuse, more likely to be removed, and less likely to be reunified or adopted.

As many as 5,000 youth in California reach the age of 18 every year without reunifying with their own families or being placed in another permanent family. National research shows that young people who "age out" of the system are more likely to drop out of school, have serious mental health needs, to experience homelessness and unemployment, and to end up in the criminal justice system. These are the children who all too often languish in a foster care limbo.

#### **Recommendation 1**

1. Because families who need assistance should receive necessary services to keep children safely at home whenever possible, the Blue Ribbon Commission recommends that the Judicial Council, the Department of Social Services, and local courts and child welfare agencies implement improvements to ensure immediate, continuous, and appropriate services and timely, thorough review for all families in the system.

- A. Children and families need access to a range of services to prevent removal whenever possible. All reasonable efforts should be made to maintain children at home in safe and stable families. The courts should make an informed finding as to whether these efforts actually have been made.
- B. If foster-care placement is necessary, children and families should have access to appropriate services and timely court reviews that lead to permanency as quickly as possible. Service delivery and court review should ensure that all reasonable efforts are made to return children home, to make sure families and workers comply with case plans, and to achieve timely and stable transitions home or, if necessary, to place with relatives or in another permanent, stable family.

## Recommendation 1

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#### 1A

Children and families need access to a range of services to prevent removal whenever possible. All reasonable efforts should be made to maintain children at home in safe and stable families. The courts should make an informed finding as to whether these efforts actually have been made.

The Blue Ribbon Commission recommends that:

- The courts and partnering agencies tailor resources to make sure they have sufficient information and time to establish that all reasonable efforts have been made to prevent removal;
- All children and families receive timely and appropriate mental health, health care, education, and other services, whether they reside with their own parents or with relatives, foster parents, or adoptive parents or are in another setting;
- Child welfare agencies engage family members, including extended family wherever they may live, to support the family and children in order to prevent placement whenever possible. Child welfare systems should develop and improve internal protocols for finding family members;
- The courts and partnering agencies examine why a disproportionate number of African-American and Native American children are in the child welfare system and work together to address this problem;
- The courts and local partners encourage use of adult drug and mental health courts, as well as other collaborative courts such as dependency drug courts, when appropriate to prevent removal; and
- The Judicial Council work with state and federal leaders to allow greater flexibility in the use of federal funding for preventive services.

#### 1B

If foster-care placement is necessary, children and families should have access to appropriate services and timely court reviews that lead to permanency as quickly as possible. Service delivery and court review should ensure that all reasonable efforts are made to return children home, to make sure families and workers comply with case plans, and to achieve timely and stable transitions home or, if necessary, to place with relatives or in another permanent, stable family.

The Blue Ribbon Commission recommends that:

- The Judicial Council work with state and federal leaders to develop greater flexibility in approving relative placements and to formulate protocols to

facilitate swift home assessments and placement with family members when possible;

- The courts and child welfare agencies expedite services for families and ensure that foster children maintain a relationship with all family members and other important people in their lives;
- The courts ensure that children who cannot return home receive services and court reviews to enable them to successfully transition into a permanent home and into adulthood. This includes paying attention to each child's language, development, and cultural needs in making decisions about home and school placements, visitation, education, and mental health needs. It also means making sure they have consistent community ties and help from supportive adults as they grow up;
- All court participants promote and continuously review efforts to preserve sibling connections and coplacement;
- Children and families receive continuous and comprehensive services if a child enters the delinquency system from foster care;
- The Judicial Council work with federal and state leaders to support or sponsor legislation to extend the age when children receive foster care assistance from age 18 to age 21. This change should apply to those children who at age 18 cannot be returned home safely, who are not in a permanent home, and who choose to remain under the jurisdiction of the court. If the court terminates jurisdiction prior to a youth's 21st birthday, the youth should have the right to reinstatement of jurisdiction and services.



## Identified Issues and Summary of Main Recommendation 2 Court Reforms

California's dependency court system is overstressed and underresourced. Because of staggering caseloads, judicial officers are often forced to limit the time and attention they give to each child. Even if they do give each case a thorough review, they may not meet the statutory timeline for the case. Either way, children and their families lose. Since dependency cases represent the most intrusive form of governmental intervention, it is essential that the court system have sufficient resources to appropriately oversee these cases. It is also essential that the local trial courts make these cases a priority and allocate the resources that are needed. Although many well-qualified commissioners and referees hear these cases, the dependency court is often viewed as a "lesser" court because judges are not always assigned to these cases.

Many families and children appear at the courthouse but wait for hours before their hearing, only to receive a few minutes with the court and with their attorneys. The median time for a juvenile dependency hearing in California is just 10–15 minutes, far short of the recommended 30–60 minutes. Dependency court attorneys, who represent foster children and their families, suffer from similar time and caseload pressures. Such systemic problems inhibit the courts' ability to meet their statutory requirements, as well as their obligation to ensure that all participants in the hearings understand their rights and responsibilities and the decisions made in court.

Dependency courts are able to gather only limited data on their ability to meet statutory timelines for hearings and requirements regarding safety, permanency, and well-being. Currently, uniform court data is limited to the number of filings and dispositions. Without data systems and court performance measures, the courts are not able to measure compliance with statutes, track children's progress, and identify sources of delay and other areas of reform needed in juvenile dependency court cases.

### **Recommendation 2**

2. Because the courts are responsible for ensuring that a child's rights to safety, permanency, and well-being are met in a timely and comprehensive manner and that all parties are treated fairly in the process, the Blue Ribbon Commission recommends that the Judicial Council and the local trial courts make children in foster care and their families a priority when making decisions about the allocation of resources and administrative support.

- A. The courts must have sufficient resources to meet their obligations to children and families in the child welfare system.
- B. All participants in dependency hearings, including children and families, should have an opportunity to be heard in court.
- C. Local court practices should facilitate the attendance of children, parents, and caregivers in hearings.
- D. Fair administration and review of dependency proceedings requires attorneys, social workers, and Court Appointed Special Advocates (CASAs) who are well qualified and have time and resources to present accurate and timely information to the courts.
- E. All courts should have nonadversarial programs available for children and families to use to resolve legal and social issues when appropriate.
- F. The Judicial Council should establish and implement a comprehensive set of court performance measures as required by state law (Welfare and Institutions Code section 16545).

## Recommendation 2

### 2 Court Reforms

Because the courts are responsible for ensuring that a child's rights to safety, permanency, and well-being are met in a timely and comprehensive manner and that all parties are treated fairly in the process, the Blue Ribbon Commission recommends that the Judicial Council and the local trial courts make children in foster care and their families a priority when making decisions about the allocation of resources and administrative support.

#### 2A

The courts must have sufficient resources to meet their obligations to children and families in the child welfare system.

The Blue Ribbon Commission recommends that:

- Judges—not subordinate judicial officers—hear dependency and delinquency cases and that judges be assigned to juvenile court for a minimum of three years. Priority should be given to judges who are actively interested in juvenile court as an assignment;
- The Judicial Council undertake a new judicial caseload study focused specifically on juvenile dependency courts. The study should take into account the court's unique oversight and case management responsibilities and address the use of case managers to support judges in meeting their workload;
- Pending completion of the study, the courts evaluate their current allocation of judgeships and resources and make adjustments as necessary. If reallocation of existing resources is not sufficient, the Judicial Council should seek additional funding to ensure full implementation of the standards and statutory requirements; and
- The Administrative Office of the Courts help courts comply with the judicial standard outlining the knowledge, commitment, and leadership role required of judicial officers who make decisions about children in foster care. (see Standards of Judicial Administration, standard 5.40).

#### 2B

All participants in dependency hearings, including children and families, should have an opportunity to be heard in court.

The Blue Ribbon Commission recommends that:

- All parties in each case be identified and engaged as early as possible. A particular emphasis should be placed on finding fathers and identifying Indian tribes where applicable;
- Relatives be identified as soon as possible and policies to promote relative assessment, placement, and connections be further developed and implemented; and

- Barriers that prevent children, parents, and caretakers from attending hearings be resolved. This includes addressing transportation difficulties.

## 2C

Local court practices should facilitate the attendance of children, parents, and caregivers in hearings.

The Blue Ribbon Commission recommends that:

- Hearings be available at times that do not conflict with school or work or other requirements of a family's case plan;
- To the extent feasible, hearings be set for a specific date and time. Delays should be minimized, and hearings should be conducted on consecutive days until completed;
- A concurrent criminal proceeding not mean delay of a dependency case;
- All parties, including children, parents, and social workers, have the opportunity to review reports and meet with their attorneys before the initial hearing and in advance of all subsequent hearings;
- Hearings be timely and meet all federal and state mandated timelines. Continuances should be minimized and the reasons for systemic continuances should be addressed by the local court and child welfare agency;
- All participants leave court hearings with a clear understanding of what happened there, why decisions were made, and if appropriate, what actions they need to take;
- The AOC provide judicial officers and court participants with education and support to create courtroom environments that promote communication with, and participation of, all parties, including children, that takes into account age, development, language, and cultural issues; and
- The same judicial officer hear a case from beginning to end, when possible.

## 2D

Fair administration and review of dependency proceedings requires attorneys, social workers, and Court Appointed Special Advocates (CASAs) who are well qualified and have time and resources to present accurate and timely information to the courts.

The Blue Ribbon Commission recommends that:

- The Judicial Council advocate for the resources necessary to implement the council's recently adopted attorney caseload standards, as well as caseload standards for social workers;
- The Judicial Council take active steps to promote the advancement of juvenile law as a sought-after career. Accomplishing this recommendation requires:
  - Adequate compensation for court-appointed attorneys;
  - Adoption and implementation of a methodology for determining attorney effectiveness;
  - Forgiveness of student loans for attorneys who commit a substantial portion of their career to juvenile law;

- That public and nonprofit law offices hire and retain attorneys based on their interest in the field and encourage them to build careers in juvenile law; and
- Working with state bar leaders to include juvenile dependency law as a mandatory area of study for the California Bar Exam and create a state bar juvenile law section.
- The Administrative Office of the Courts expand multidisciplinary training opportunities for court professionals and other participants, including caregivers, educational representatives, CASA volunteers, tribal leaders, etc. Training should include conferences as well as distance learning opportunities;
- The Judicial Council continue to support the development and expansion of CASA programs to all California counties and help make available CASA volunteers for all foster children in the dependency system. State funding for CASA programs should be expanded to allow for appointments in all cases; and
- Local or regional family resource centers be established to ensure that the nondependency legal needs of children are appropriately addressed. This includes education, immigration, tort issues, etc.

2E

All courts should have nonadversarial programs available for children and families to use to resolve legal and social issues when appropriate.

The Blue Ribbon Commission recommends that:

- Mediation and other forms of alternative dispute resolution be available in all courts at any time in the proceedings;
- Families in all counties have access to other types of court proceedings—drug, mental health, and unified courts, for example—that can help them remain together, or if the children are removed, to stabilize and reunify the family as soon as possible;
- Families in all counties have access to specific nonadversarial child welfare—based practices such as family group conferencing, team decisionmaking, and family team meetings.

2F

The Judicial Council should establish and implement a comprehensive set of court performance measures as required by state law (Welfare and Institutions Code section 16545). (These draft trial court performance measures will be available for public comment during the spring 2008 cycle at the following link: [www.courtinfo.ca.gov/invitationstocomment/](http://www.courtinfo.ca.gov/invitationstocomment/)).

The Blue Ribbon Commission recommends that:

- The Judicial Council adopt and direct the AOC to work with local courts and state agencies to implement a rule of court that embodies the commission's following recommendations:

- Court performance measures include those for safety, permanency, timeliness of court hearings, due process, and child well-being;
- Court performance measures align with and promote the federal and California Child and Family Services Review (CFSR) outcome measures and indicators;
- California Court Case Management System (CCMS) collect uniform court performance data and have the capability to produce management reports on performance measures;
- Trial court performance measures be included in a separate Judicial Council–approved Administrative Office of the Courts (AOC) *Implementation Guide to Juvenile Dependency Court Performance Measures*.
- These performance measures and management reports be used for the following:
  - To promote court accountability for ensuring fair and timely hearings and to inform improvements in local case processing;
  - To provide stakeholders and the public an aggregate picture of the outcomes for children before the court and to increase the public’s understanding of the court’s role in the child welfare system; and
  - To measure compliance with statutory mandates and effective practices.
- The Judicial Council work with the Child Welfare Council (CWC) and local courts and state agencies to develop uniform child well-being performance measures. Based on these measures, the Center for Families, Children & the Courts should work with local courts to develop and implement educational tools that help courts improve child well-being outcomes.

### **Identified Issues and Summary of Main Recommendation 3 Collaboration Between Courts and Partnering Agencies**

In California, nearly 80,000 children are in foster care. The courts share responsibility for their safety and well-being through a range of agencies, including child welfare, education, alcohol and drug treatment, mental health, public health, and Indian tribal councils.

Families are often involved with more than one agency at a time. These agencies have independent and sometimes conflicting policies and regulations that inhibit communication and sharing of data and information. Judges and attorneys sometimes lack full knowledge of a child's health, mental health, education, language, or citizenship. This means the courts must sometimes make decisions without a complete or accurate picture of the whole child and his or her family.

Court-ordered services to benefit families and children sometimes conflict with mandated services from other agencies. The courts and child welfare do not always know what services exist in the community. Often there is limited availability of essential services.

#### **Recommendation 3**

3. Because the courts share responsibility with child welfare and other partners for the well-being of children in foster care, the courts, child welfare, and partnering agencies must work together to prioritize the needs of children and families in each system and remove barriers that keep agencies from working together effectively.

- A. The Judicial Council and the state Department of Social Services should work cooperatively with all stakeholders to ensure optimal sharing of information to promote decisionmaking that supports the well-being of children and families in the child welfare system.
- B. The presiding judge of the juvenile court and the county social or human services director should convene multidisciplinary commissions at the local level to identify and resolve local system concerns and build the capacity to provide a continuum of services.
- C. Courts, child welfare, and other agencies should collaborate with Indian tribes and tribal courts to ensure that the rights of children, families, and tribes are protected and that children and families have access to all appropriate services for which they are eligible.

**3**

### Recommendation 3 Collaboration Between Courts and Partnering Agencies

Because the courts share responsibility with child welfare and other partners for the well-being of children in foster care, the courts, child welfare, and partnering agencies must work together to prioritize the needs of children and families in each system and remove barriers that keep agencies from working together effectively.

**3A**

The Judicial Council and the state Department of Social Services should work cooperatively with all stakeholders to ensure optimal sharing of information to promote decisionmaking that supports the well-being of children and families in the child welfare system.

The Blue Ribbon Commission recommends that:

- The Judicial Council continue its efforts to fully develop and implement the California Court Case Management System (CCMS) so that the judicial branch and the California Department of Social Services and other trusted partners will be able to exchange essential information about the children and families they are mandated to serve;
- CCMS permit judicial officers in dependency courts to access information about children and families who are involved in cases in other courts;
- CCMS and the Child Welfare System/Case Management System (CWS/CMS) promote coordinated data collection and data exchange between the courts and child welfare agencies and track data that permits them to measure their performance;
- The Child Welfare Council prioritize solutions to federal and state statutory and regulatory policy barriers that prevent information sharing between the courts and its partners and that cause delays in the delivery of services and, hence, delays in permanency for children; and
- Data systems in the various agencies evolve to capture the growing complexity of California demographics, including issues such as Limited English Proficiency (LEP), use of psychotropic medications, and disabilities.

**3B**

The presiding judge of the juvenile court and the county social or human services director should convene multidisciplinary commissions at the local level to identify and resolve local system concerns and build the capacity to provide a continuum of services.

The Blue Ribbon Commission recommends that:

- These multidisciplinary local commissions include participation from the courts, public and private agencies that support children and families, children, parents and families in the system, caregivers, and other parties to the process;

- These commissions focus on key areas of local concern and activities, including:
  - Undertaking a comprehensive assessment of existing services available in the community; encouraging development of appropriate services that are not available; coordinating services with tribal services and transitional services; and ensuring that children and families receive the support they need for reunification and permanency;
  - Identifying and resolving barriers to sharing information between the courts, agencies and schools;
  - Communicating local needs and concerns to the Child Welfare Council; and
  - Raising the visibility and public understanding of foster-care issues in their communities.
- The AOC support local commissions in their efforts to collaborate and to avoid duplication with other efforts to achieve positive child welfare outcomes (including county efforts to develop system improvement plans as required by state law); and
- All participating agencies prioritize children in foster care, and their families, when providing services.

3C

Courts, child welfare, and other agencies should collaborate with Indian tribes and tribal courts to ensure that the rights of children, families and tribes are protected and that children and families have access to all appropriate services for which they are eligible.

The Blue Ribbon Commission recommends that:

- The AOC work with local courts to establish protocols for identifying and sharing jurisdiction between local and tribal courts and for sharing services, case management, and data between superior courts, tribal courts, and county and tribal service agencies; and
- The AOC offer judicial education opportunities to tribal court officers and legal education to tribal attorneys and service providers.



## Identified Issues and Summary of Main Recommendation 4 Resources and Funding

Financial support for children and families in the child welfare system is built on a patchwork of funding streams, each with its own rules and restrictions. In addition to state and county funding, child welfare dollars come from at least a half-dozen federal sources, some of which require matching funds from state, county, and local agencies. Delays in services result when providers, social service agencies, and the courts struggle to determine the pertinent funding source for services. Delays are compounded when a child is moved to a new county or state.

Even when services are available, agencies and the courts do not always give priority to foster children and their families in the delivery of these services. For example, children have a right to certain educational and transition to independent living services but are not able to benefit from these services because there are no resources or funding supports to help these children access the services. This lack of prioritization of, and accountability to, children and families in the delivery of services limits the courts' and agencies' ability to offer the comprehensive and concentrated services that are critical to family reunification and permanency.

### **Recommendation 4**

4. In order to meet the needs of children and families in the foster-care system, the Judicial Council, Congress, the Legislature, the courts, and partnering agencies should give priority to foster children and their families in the allocation and administration of resources, including public funding—federal, state, and local—and private funds from foundations that support children's issues.

- A. The Judicial Council should urge Congress, the state Legislature and state and local agencies—including agencies that provide health, mental health, education, and substance abuse services—to prioritize the delivery and availability of services to children and families in the child welfare system.
- B. No child or family should be denied services because it is unclear who should pay for them. Funding limitations that prohibit or delay the delivery of services to these children and families should be addressed through coordinated and more flexible funding.
- C. The Judicial Council, along with other branches of federal, state, and local courts, government, businesses, foundations, and community service organizations, should work together to establish a fund to provide foster youth the money and resources they need to participate in extracurricular activities and programs to help make positive transitions into adulthood.
- D. Educational services for foster youth should be expanded to increase access to education and to improve the quality of those services.
- E. States and counties should be given permission to use federal funding more flexibly. Flexible funding should be used to address the needs of children and families in a timely manner that recognizes the child's developmental needs and relationship with his or her parents, guardian, and extended family. The commission supports key financial recommendations of the Pew Commission on Children in Foster Care.

## 4

### Recommendation 4 Resources and Funding

In order to meet the needs of children and families in the foster-care system, the Judicial Council, Congress, the Legislature, the courts and partnering agencies should give priority to foster children and their families in the allocation and administration of resources, including public funding—federal, state, and local—and private funds from foundations that support children’s issues.

#### 4A

The Judicial Council should urge Congress, the state Legislature, and state and local agencies—including agencies that provide health, mental health, education, and substance abuse services—to prioritize the delivery and availability of services to children and families in the child welfare system.

The Blue Ribbon Commission recommends that:

- These agencies and the courts document and report annually on the number of foster children and families served and the types of services provided; and
- Congress and the state Legislature fund dissemination of evidence-based or promising practices that lead to improved outcomes for foster children and their parents. Examples include therapeutic foster care and drug courts.

#### 4B

No child or family should be denied services because it is unclear who should pay for them. Funding limitations that prohibit or delay the delivery of services to these children and families should be addressed through coordinated and more flexible funding.

The Blue Ribbon Commission recommends that:

- The Judicial Council work with other branches of federal, state, and local governments to identify barriers to funding for services and to develop solutions; and
- To the extent that federal law prevents federal funds from being coordinated among several agencies to support specific services, the Judicial Council should urge Congress to eliminate that policy.

#### 4C

The Judicial Council, along with other branches of federal, state, and local courts, government, businesses, foundations, and community service organizations, should work together to establish a fund to provide foster youth the money and resources they need to participate in extracurricular activities and programs to help make positive transitions into adulthood.

The Blue Ribbon Commission recommends that:

- Children in foster care and partnering agencies have access to reliable funding to support their access to extracurricular activities and transitional programs.

These activities should include music and dance lessons, sports, school events, and independent living activities; and

- Systemic barriers that prevent foster children from participating in the above events be eliminated, including transportation, licensing restrictions, and confusion regarding waivers and consents.

**4D**

Educational services for foster youth should be expanded to increase access to education and to improve the quality of those services.

The Blue Ribbon Commission recommends that:

- Courts and partnering agencies ensure that foster children receive the full education they are entitled to, including the support they need to graduate from high school. This includes tutoring and participation in extracurricular activities. The courts should require other agencies to justify any denial of such services to foster youth in school;
- The Judicial Council urge Congress and the state Legislature to strengthen current education laws to explicitly include all foster children and to fill funding gaps, such as the lack of support for transportation to maintain school stability;
- The Child Welfare Council prioritize foster children's educational rights and work with educators to establish categorical program monitoring to oversee compliance with education laws and regulations that support foster youth in school;
- The California Department of Education designate foster youth as "at-risk" students to recognize that foster care creates challenges and obstacles to a child's education that other children do not experience and to increase the access of foster youth to local education programs; and
- Foster Youth Services grants be expanded to include all children age five or older, including those in kinship placements, because close to half of foster children are placed with kin and Foster Youth Services is not currently funded to serve those children.

**4E**

States and counties should be given permission to use federal funding more flexibly. Flexible funding should be used to address the needs of children and families in a timely manner that recognizes the child's developmental needs and relationship with his or her parents, guardian, and extended family. The commission supports key financial recommendations of the Pew Commission on Children in Foster Care.

The Blue Ribbon Commission recommends that:

- The Judicial Council urges Congress to adopt the following federal financing reform recommendations advocated in 2004 by the Pew Commission on Children in Foster Care, a national panel of experts that issued proposals around financing child welfare and court reforms:

- Creation of an incentive model for permanency. Based on the adoption incentive, this model would encompass all forms of permanency, including reunification and guardianship, and would offer equal payment levels;
- Federal adoption assistance for all children adopted from foster care;
- Federal guardianship assistance for all children who leave foster care to live with a permanent, legal guardian;
- Elimination of the income limit for eligibility for federal foster-care funding;
- Flexibility for states and counties to use federal funds to serve children from Indian tribes and children living within U.S. territories;
- Extension of federal title IV-E funding to children in Indian tribes and the U.S. territories;
- If the incidence of foster care is safely reduced, reinvestment of federal and state dollars that would have been spent on foster care into other child welfare services;
- Reinvestment of penalties levied in the federal Child and Family Services Review process into program improvement activities; and
- Bonuses when the state demonstrates improved worker competence and lighter caseloads.